

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 08-CR-10223-PBS
)	
ALBERT GONZALEZ,)	Criminal No. 09-CR-10262-PBS
)	
Defendant.)	

MOTION FOR CONTINUANCE OF SENTENCING

For the reasons set forth below, the United States moves for an 8-12 week continuance of the sentencings presently scheduled for December 21, 2009, in the above-referenced cases.

On December 15, 2009, the defendant filed a sentencing memorandum in the above-referenced cases. The sentencing memorandum attaches a report of a forensic psychologist retained by the defendant questioning his "capacity to knowingly evaluate the wrongfulness of his actions and consciously behave lawfully and avoid crime" and stating that his criminal "behavior was consistent with description of the Asperger's disorder." The government has been given no prior notice of either of these assertions, the defendant's intended reliance on expert testimony to support them, or that the defendant was undergoing a psychological forensic examination.

A continuance is necessary to provide the government a fair opportunity to address these claims. The government requests 8-12 weeks to permit it sufficient time to retain a consulting expert, have the defendant evaluated by him, and to provide the defendant with the expert's opinion in a fair and timely manner.

Respectfully submitted,

By: /s/ Stephen P. Heymann
STEPHEN P. HEYMANN
DONALD L. CABELL
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Stephen P. Heymann

Stephen P. Heymann
Assistant United States Attorney

Date: December 15, 2009